



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

August 5, 2019

In Reply Refer To: 001B
FOIA Request: 19-06617-F

Taylor Amarel
MuckRock News
DEPT MR 71013
411A Highland Ave
Somerville, MA 02144-2516
72013-85096882@requests.muckrock.com

Dear Taylor Amarel:

This is the Initial Agency Decision (IAD) from Office of the Secretary, U.S. Dept. of Veterans Affairs (OSVA) to your Freedom of Information Act (FOIA) request dated and received April 19, 2019, and assigned FOIA tracking number **19-06617-F**. You requested:
"The last 200 pages of emails sent to, from, or copied to VAExecSec@va.gov containing the non-case-sensitive key-strings "whistleblower".

IAD & Reasonable Search Dated 8/5/19

On August 5, 2019, our search cut-off date, the OSVA FOIA Officer searched through the email box VAExecSec@va.gov. The OSVA FOIA Officer used the search term "whistleblower." This search yielded eighteen (18) pages of responsive records. After reviewing the eighteen (18) pages, OSVA redacts some information with FOIA Exemptions 6 and 7(C).

5 U.S.C. § 552(b)(6) exempts from required disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." FOIA Exemption 6 permits VA to withhold a document or information within a document if disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government. Specifically, the information being withheld, as indicated on the enclosed documents, under FOIA Exemption 6, consists of names, identities, email addresses, phone numbers, cellular numbers, and facsimile numbers of: federal employees and private citizens. However, we release the names and VA contact information of VA Senior Executives. Federal employees and private citizens retain a significant privacy interest under certain circumstances, such as in instances where the release of their information could represent a threat to their well-being, harassment, or their ability to function within their sphere of employment. The federal employees and private citizens whose information is at issue have a substantial privacy interest in their personal information. In weighing the private versus the public interest, we find that there is no public interest in knowing the names, identities, email addresses, phone numbers, cellular numbers, and facsimile numbers of: federal employees and private citizens. The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the FOIA requester is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the

records, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest of the individuals whose names are redacted. The protected information has been redacted and (b)(6) inserted. "Withholding a telephone number or e-mail address, alone, is not sufficient to protect that [privacy] interest; alternate means of contacting and harassing these employees would be readily discoverable on the Internet if this court ordered their names disclosed." Long v. Immigration & Customs Enf't, 2017 U.S. Dist. LEXIS 160719 (D.C. Cir. 2017).

5 U.S.C. § 552(b)(7)(C) exempts from required disclosure information law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Redacted information includes of names, identities, job titles, work groups, room numbers, and phone numbers of: White House employees with security clearances working on national security or border security or defense matters. The release of this information would risk impersonation, targeting, or violence against the health and safety of: White House employees with security clearances, and those they are charged with protecting.

FOIA Mediation

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

VA Central Office FOIA Public Liaison:

Name: John Buck

Email Address: vacofoiaservice@va.gov

Office of Government Information Services (OGIS)

Email Address: ogis@nara.gov

Fax: 202-741-5769

Mailing address:

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

FOIA Appeal

This concludes OSVA's IAD to FOIA request **19-06617-F**. Please be advised that should you desire to do so, you may appeal the determination made in this response to:

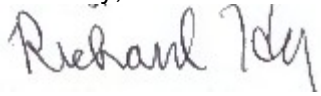
Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date

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of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Ha". The signature is written in a cursive, slightly slanted style.

Richard Ha, JD, CIPP/G
OSVA FOIA Officer

Attachment – eighteen (18) redacted pages